

REMARKS

Claims 12, 36, 45, 47, 50, 52, 53, 56, 59 and 60 have been amended. No claims have been added or canceled. Claims 1 – 64 are pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Section 112, Second Paragraph, Rejection:

The Examiner rejected claims 12-14 under 35 U.S.C. § 112, second paragraph as indefinite. The dependency of claim 12 has been amended to overcome this rejection and removal thereof is respectfully requested. Similar amendments have also been made to the dependency of claims 36 and 56.

Section 102(e) Rejection:

The Examiner rejected claims 1-3, 5-7, 11-15, 18, 22, 25-27, 29-31, 35-40, 43, 45-47, 49-51, 55-60 and 63 under 35 U.S.C. § 102(e) as being anticipated by Davis et al. (U.S. Patent 6,105,064) (hereinafter "Davis"). Applicants respectfully traverse this rejection for at least the reasons presented below.

Regarding claim 1, Davis fails to disclose wherein the plurality of peer nodes is configured to implement a peer-to-peer environment on the network according to a peer-to-peer platform comprising one or more peer-to-peer platform protocols for enabling the plurality of peer nodes to discover each other, communicate with each other, and share content in the peer-to-peer environment. Davis teaches a method for dynamically window sizing and dynamic packet metering during communications between endnodes in a packet-switched computer network. Davis teaches that the rate at which packets are transmitted is regularly adjusted in response to changes in the propagation rate of packets through the network. (Davis, Abstract and column 6, lines 21-54).

The Examiner cites column 8, lines 21-24 of Davis. However, the cited passage does not describe peer-to-peer platform protocols *for enabling the plurality of peer nodes to discover each other*. Instead, the cited passage only mentions that a computer may function in a peer-to-peer network. Nowhere does Davis describe any peer-to-peer platform protocols for enabling peers to discover each other. Davis is not concerned with peer discovery. Instead, Davis is concerned with dynamically adjusting the propagation rate of packets between sending and receiving nodes. Davis does not mention anything about endnodes discovering each other nor about any peer-to-peer platform protocols that enable Davis's endnodes to discover each other. Instead, Davis teaches the use of protocols such as TCP, UDP, SPX, IP, IPX, and ATM, none of which enable peer nodes to discover each other.

Applicants remind the Examiner that anticipation requires the presence in a single prior art reference disclosure of each and every limitation of the claimed invention, arranged as in the claim. M.P.E.P 2131; *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). As discussed above, Davis fails to disclose that the plurality of peer nodes is configured to implement a peer-to-peer environment on the network according to a peer-to-peer platform comprising one or more peer-to-peer platform protocols for enabling the plurality of peer nodes to discover each other. Therefore, Davis cannot be said to anticipate claim 1.

Thus, the rejection of claim 1 is not supported by the cited art and removal thereof is respectfully requested. Similar remarks also apply to claims 25 and 45.

Section 103(a) Rejection:

The Examiner rejected claims 4, 8-10, 28, 32-34, 48 and 52-54 under 35 U.S.C. § 103(a) as being unpatentable over Davis in view of Barker et al. (U.S. Patent 5,931,916) (hereinafter "Barker"); claims 16 and 17 as being unpatentable over Davis in view of

Ivanoff (U.S. Patent 5,517,622); claims 19-20, 41-42 and 61-62 as being unpatentable over Davis in view of Antur et al. (U.S. Patent 6,212,558) (hereinafter "Antur"); claim 21 as being unpatentable over Davis; and claims 23, 24, 44 and 64 as being unpatentable over Davis in view of Zhu et al. (U.S. Patent 5,768,557) (hereinafter "Zhu"). Applicants respectfully traverse these rejections for at least the reasons presented above regarding their respective independent claims.

Regarding both the § 102 and § 103 rejections, Applicants also assert that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

Information Disclosure Statement:

Applicants note that two different information disclosure statements with accompanying Forms PTO-1449 were submitted on April 7, 2005 and May 6, 2005, respectively. Applicants request the Examiner to carefully consider the listed references and return copies of the signed and initialed Forms PTO-1449 from both statements. A copy of the form PTO-1449 from each statement is included herewith for the Examiner's convenience.

CONCLUSION

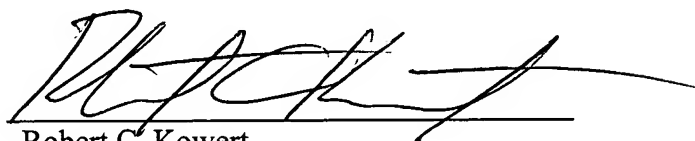
Applicants submit the application is in condition for allowance, and prompt notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicants hereby petition for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-07400/RCK.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☒ Copies of previously submitted forms PTO-1449 from IDSs of 4/5/05 and 5/4/05.
- ☐ Notice of Change of Address
- ☐ Other:

Respectfully submitted,



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